

II. In the Specification (Marked Version)

On page 8, line 18, please add -- , more preferably a C₁₋₆ alkyl, -- after "C₁₋₁₀".

III. Remarks**A. Objections Noted in the Specification****1. The title**

The Examiner has objected to the title as not being descriptive of the invention. The Examiner states that a new title is required that is clearly indicative of the invention to which the claims are directed. Applicants respectfully request reconsideration. The application is titled "Vinyl Sulphone Modified Polymer." This title is directly supported by the specification at page 7, lines 21 to 28. Accordingly, Applicants respectfully request reconsideration.

2. Enablement of the Polymer Formula

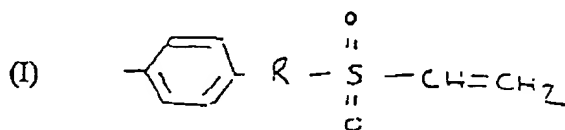
The Examiner contends that the "[s]pecification fails to enable one to polymers with various R groups exemplified polymer formula." Applicants have amended the specification on page 8, line 18 to add -- , more preferably a C₁₋₆ alkyl, -- after "C₁₋₁₀". Accordingly, Applicants respectfully request reconsideration of the rejection.

B. Rejections Under 35 USC §§102(a) and 102(b)**1. JP 10111544**

Claims 1-6 stand rejected as being anticipated by Japanese Patent 10111544 (hereinafter referred to as the '544 patent). The Examiner contends that the '544 patent

discloses a backbone comprising a polymer with an ethylene unit connected to a vinyl sulfone aryl unit. Applicants respectfully request reconsideration.

The '544 patent discloses, as discerned from a Chemical Abstract No. 1998:259845, a support coated with halide emulsion layers which contain core/shell-type composite particles comprising colloidal silica as the core. A polymer containing 1-ethenyl-4-[(ethenylsulfonyl)methyl]benzene is disclosed. There is no disclosure of a A polymer comprising a side chain of formula I:



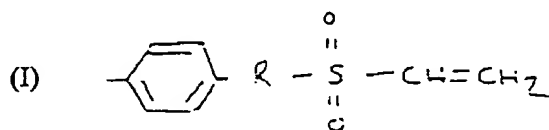
wherein the side chain is attached to an ethylene moiety of the polymer and R is an alkyl, aryl, oxyalkyl or oxyary linker group.

Accordingly, Applicants request reconsideration of the rejection.

It has long been the law that a rejection based on anticipation or lack of novelty requires that all the elements of the claimed invention be described in a single reference. *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir.), cert. denied, 110 S.Ct. 154 (1989). Further, the reference must describe the applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it. *See Akzo N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1479 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987); *In re Coker*, 463 F.2d 1344, 1348 (CCPA 1972). Here, Applicants' invention is not disclosed.

Claims 1-6 stand rejected as being anticipated by Japanese Patent No. 01235593 (hereinafter referred to as the '593 patent). The Examiner contends that the '593 patent discloses a backbone comprising a polymer with an ethylene unit connected to a vinyl sulfone aryl unit. Applicants respectfully request reconsideration.

The '593 patent discloses, as discerned from Derwent XP-002084167, a water insoluble organic functional film made by a composition obtained by combining (a) physiologically active protein and (b) a compound which has at least two functional groups selected from vinylsulphone type, triazine type, and epoxy-type functional groups intramolecularly in a (c) binder of high molecular organic compound or lipid. This is not Applicants' invention. Applicants' invention is, in an embodiment, a polymer comprising a side chain of formula I:



wherein the side chain is attached to an ethylene moiety of the polymer and R is an alkyl, aryl, oxyalkyl or oxyaryl linker group. Accordingly, Applicants' invention is not disclosed by the '593 patent. Therefore, Applicants' invention is not anticipated by the '593 patent. *Cf. Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir.), cert. denied, 110 S.Ct. 154 (1989).

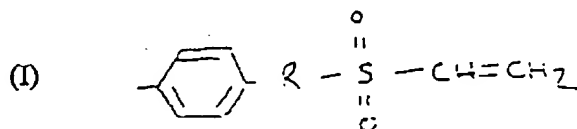
C. Rejections under 35 USC §103(a)

Claims 1-6 stand rejected as being obvious over the combination of the '544 and the '593 patent applications. The Examiner contends that Applicants' invention would

have been obvious in light of the teachings of the '544 and '593 patent based upon the Examiner's further contention that both references disclose a backbone comprising a polymer with an ethylene unit connected to a vinyl sulfone aryl unit. Applicants respectfully request reconsideration.

As set forth above, the '544 patent discloses a support coated with halide emulsion layers which contain core/shell-type composite particles comprising colloidal silica as the core and the '593 patent discloses a water insoluble organic functional film made by a composition. All the elements of Applicants' invention are not disclosed. Moreover, there is no motivation and/or teaching to modify the teachings of the '544 patent and the '593 patent to arrive at Applicants' invention. Case law clearly requires that the cited art disclose the elements of the claimed invention to be a valid rejection. *See In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

When an obviousness rejection is based upon art that fails to disclose each and every element of the claimed invention the Courts require a showing of a suggestion or motivation to modify the teachings of that reference. *See B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 72 F.3d 1577, 1582 1318 (Fed. Cir. 1996). Here, the '544 patent is directed towards silver halide photographic materials and the '593 patent is directed towards a highly sensitive film sensor. There is no motivation to modify these teachings to arrive at Applicants' invention, a polymer comprising a side chain of formula I:



wherein the side chain is attached to an ethylene moiety of the polymer and R is an alkyl, aryl, oxyalkyl or oxyary linker group.

Accordingly, Applicants' invention is not obvious in light of the cited references.

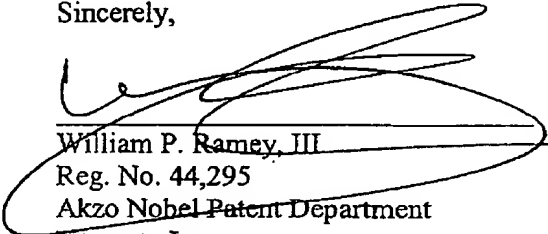
Therefore, Applicants respectfully request reconsideration.

VI. Conclusion

Applicants respectfully request reconsideration of the objections and rejections in light of this response. The application is believed in a condition for allowance and Applicants respectfully request such action. Please call the below undersigned attorney for any assistance in securing allowance of this application. If the Examiner believes an interview would be helpful Applicants' attorney is available. Applicants further hereby petition for a two (2) month extension of time. Please charge deposit account number 02-2334 for any required fees.

Date: 4/1/02

Sincerely,



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